

MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE MEETING

APRIL 23-24, 1999

A meeting of the Commercial Fishing Vessel Advisory Committee (CFIVAC) was held at the Coast Guard Marine Safety Office, Tampa, FL. Representing the Coast Guard were RADM North, Assistant Commandant for Marine Safety and Environmental Protection, CDR Mark Prescott, Executive Director of CFIVAC and LCDR Randy Clark, Assistant Executive Director of CFIVAC. The following Committee members were present:

Pete Aparicio	Jane Eisemann
Linda Bonet	Leslie Hughes
Ginny Goblirsch	David Green
Donald Hall	James Herbert
Rutledge Leland	Sean Martin
Jimmy Martin, Sr.	Kathy Ruhle
Angela Sanfilippo	Lawrence Simms

The following Committee members were absent:

Julie Aydelotte	Dennis Potter
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The meeting was brought to order by Chairman Jim Herbert. The Committee, Coast Guard, and audience members made introductions. CDR Prescott requested comments on minutes from the previous meeting.

Dave Green noted that during a discussion at the last meeting, the Coast Guard's primary fishing vessel safety program was identified as the voluntary exam program, but he has never heard a clear statement to that effect. There was also substantial discussion as to whether the function of the committee is strictly advisory or is to create products. The task statements make that unclear. Other noteworthy things absent from the previous minutes included in a letter from Dave Green are: where is the committee headed, his swearing in, points raised addressing the previous minutes, his report of subcommittee action is inaccurate, recommendation that the CFIVAC not become an action group responsive to the NTSB, and his motion that NTSB reports go to the Coast Guard. (See enclosure 1).

Dave Green said again the minutes did not accurately reflect the meeting and after reviewing a number of previous minutes, did not feel like we had ever accurately recorded the meetings. He recommended the minutes be amended.

CDR Prescott said the minutes would be amended to capture Mr. Green's comments. He asked if anyone had a problem with posting the minutes on the web.

Leslie Hughes was concerned that minutes only be posted after the Committee has reviewed them and she expressed doubt that anyone would look back at the previous minutes and see the amendment.

CDR Prescott said we would attach Mr. Green's letter to the new minutes.

Jim Herbert requested everyone supply their e-mail addresses if they haven't already. He said the minutes will be completed in two weeks and copies will be sent to the members to review and return with comments.

Ginny Goblirsch requested the MSO homepage address. No one knew it immediately, but ADM North recommended she do a search of the Coast Guard homepage.

Leslie Hughes said there is sometimes a problem piecing subcommittee information into the minutes. LCDR Clark said a member of each subcommittee may have to help with note taking.

Jim Herbert said that even though the subcommittees report back to the entire committee, there should be more background material from the subcommittees.

CDR Prescott referred the committee to the Prevention Through People focus plan that had been passed out earlier. A program called Champions has leaders in industry to advise Coast Guard on the PTP plan. The focus plan recommends the CG concentrate on five main areas. One of these for this year is fishing vessel safety. The communications subcommittee is tied in with the focus of the PTP communications plan. The examiners course at the Coast Guard Reserve Training Center in Yorktown has been updated in accordance with the PTP program.

A copy of the CFIVAC charter was distributed.

ADM North welcomed everyone to the meeting. He explained that he would be leaving that afternoon due to his involvement back in Washington with the 10-year anniversary of the Exxon Valdez spill. He stated that he believes task statements are the way to proceed and said he will discuss the Fishing Vessel Casualty Task Force (FVCTF) report, Federal Advisory Committee Chairperson's meeting and the status of the Marine Transportation initiative.

The Fishing Vessel Casualty Task Force was formed because of the extraordinary number of vessel losses and deaths in a short period of time. It seemed that every morning in the Operations Brief, there was another fishing vessel loss. There appeared to be a dramatic increase in the number clam boat casualties. They asked themselves if there was something unusual happening and were they doing the right things. The FVCTF met at Coast Guard Headquarters January 27-29, to look at possible trends. Were there immediate actions that could be taken to get information back to industry to prevent further incidents? Was a change in the direction of our fishing vessel safety program needed? The group consisted of Coast Guard, National Transportation Safety Board, National Marine Fisheries Service, National Oceanographic and Atmospheric Administration, and industry representatives and was chaired by CAPT Spitzer. Jim Herbert was a member, as well as former CFIVAC member, Richard Hiscock. It was a fast track effort to get the job done. ADM North wanted to provide a copy to the committee; however, the report was currently under review at headquarters. He also felt it would be better addressed at a second meeting that would focus solely on the report. A press conference on the release of the report is scheduled for April 6, 1999, and the committee will have the report before that time. A second meeting will be scheduled in 2 to 3 weeks to discuss the report. At that meeting, he would like the committee to develop an endorsement on the report. That endorsement should contain any additions or disagreements with the report content. The CDR will brief you on what the report looks like. He apologized to those who expected to get the report that day.

In January, ADM North called a meeting of all the Federal Advisory Committee Chairs to look at common issues. He wanted each committee to know what the others do. They discussed the strengths and weaknesses of each committee and reviewed the Commandant's direction for Coast Guard 2020. Unfortunately, they were not able to get anyone from the CFIVAC to attend, however, CDR Prescott attended and was able to offer his knowledge of the committee. He felt there was good information shared at this meeting and it would be a good thing to continue.

The next issue ADM North addressed was the marine transportation initiative. It is an interagency effort to ensure ports/waterways/intermodule connections can handle the level of traffic expected in the first quarter of the next century and that they are safe, secure, environmentally sound, and are accessible to those who want to use them. In November 150 representatives from government and industry attended Secretary Slater's National Conference. A suggestion from the conference was the formation of a marine transportation system

council. Unlike the Fishing Vessel Casualty Task Force, it would be a long-term group. A marine transportation task force, which Secretary Slater will chair, is to develop a report to Congress by July. The proceedings from the conference are now on the web.

A great deal of data was used at the Fishing Vessel Task Force meeting. It is still difficult to capture an accurate number of fishing vessels. CAPT Spitzer is carrying out a data quality campaign, in an effort to “clean up” data that is already out there. The replacement for the Marine Safety Information System, the Marine Safety Network, is coming online one part at a time. The vessel identification system will include state numbered vessels. The mission analysis planning module is scheduled to be online in November. The new system will allow easier, timely data manipulation. There will be direct access at all levels and it will take existing data and store it in an electronic warehouse. It won’t solve all the problems, but it’s a good start. It also contains a computer based tutorial, whereas in the past, we had to send people to Yorktown, VA for MSIS training.

In closing, ADM North reiterated the likelihood of high interest in the Task Force report. He expects interest on the Hill, and potential exists for hearings. For those that have been involved in the fishing industry and the committee's work, he does not expect what is in the report to be new. It will be one more opportunity to raise the issue of fishing vessel safety. With the exception of the fishing vessel safety act of 1988, none of the other fishing vessel safety initiatives ever made it, so hopefully, this will be a better try. What may have been an acceptable level of safety in the past, may not be now.

ADM North asked if there were questions.

Jim Herbert said that as a member of the Task Force, it was impressive to see people mobilized and action taken so quickly. He complimented ADM North on the effort. He is interested in seeing the report, and believes there will be a sincere effort to get input from the committee.

Don Hall asked if there would be a special meeting to review the report.

ADM North said there will be a special meeting to focus on the report in roughly 2 weeks. He looked at the possibility of a closed door meeting with the committee, but found out he could not do that without a federal register notice.

Pete Aparicio wanted to know if there would be a distinction between near-shore, in-shore and off-shore.

CDR Prescott said that would be one of the issues that would be discussed, but to keep in mind, too many categories can also be confusing.

Ginny Goblirsch asked if he was looking for comments from the committee on the report in order to modify it.

ADM North said we were not looking for modifications, but comments on composition, additional recommendations, the data that was considered and how to implement recommendations.

Leslie Hughes asked if there would also be public comment.

CDR Prescott said later in the meeting we would discuss the process used for producing the report. If something calls for a regulation, that is when it would be open for public comment, cost benefit analysis, etc.

Ginny Goblirsch said some of the major fishing publications are already asking for inside information and she thinks there will be great interest when it is released.

Angela Sanfilippo said she has also received a number of phone calls and has had a tough battle calming some of them down. There is very high interest in the Gloucester area.

ADM North explained that is why they are having an official release of the report and a press conference. He then discussed the near miss reporting system, which is gaining national attention. One of the workgroups for this project is working on the accessibility of information from the near miss data base from a legal perspective. It would require legislation to separate near miss reporting information from data available for litigation purposes. The first thing that needs to be done is finding a contractor to serve as the reporting entity.

Ginny Goblirsch said she has trouble seeing anyone volunteer that information.

ADM North said the only encouragement we could offer, is that their information could prevent future accidents. He also noted the FAA has a similar system for near miss reporting.

Pete Aparicio wanted to know if it could result in a violation?

ADM North said it does not make you exempt of other required casualty or pollution reporting simply because you report your near miss.

There was a brief discussion between ADM North and Pete Aparicio concerning whether or not the FAA exempts those who report near misses.

Rob Buckles, Fishing Vessel Safety Coordinator for MSO Tampa, presented an overview of the fishing vessel program in the Tampa area. They have approximately 2200 fishing vessels within their area of responsibility. They have a number of qualified auxiliaries that assist their office in providing dockside exams. The primary focus of their exams is compliance with the regulations. They walk the docks and ask fishermen what they can help with, and if they would like a courtesy exam.

LTJG Kevin Knull, Commanding Officer of the Coast Guard Cutter Point Countess, briefed the committee on his boarding program. He said the most common violations were vessel leaks, missing guards, lack of drills and a considerable number of narcotics violations.

Kathy Ruhle gave a comprehensive presentation on the fishing industry in the mid-Atlantic region. She covered the various fisheries, gear types, and common hazards. She also showed a video on the dangers of navigating North Carolina's Oregon Inlet and provided each member a bound report detailing the fishing industry in her region.

Bob Markle, Chief of Lifesaving and Fire Safety Division, gave a presentation on the latest in inflatable personal floatation devices. Representatives from Sterns and SOSpenders demonstrated the latest in personal floatation devices.

At this time, CDR Prescott requested comments/questions from the public.

The first member of the public to address the committee was Bob Spaeth, Executive Director of Southern Offshore Fishing Association, said that his average vessels are under 65 feet. He sees many of the regulations as burdensome. He gave credit to the Tampa Marine Safety Office in gaining compliance of the vessels in the area. Most of the concerns he hears at the docks are not concerning the requirements for the big things, like life raft, EPIRB, life rings and flares, but little things, such as dates on flares. They buy a flare kit, then get back and find out some will expire in three months. The requirement for charts of the local area is also unnecessary. Hammer on the "big five" safety items and if they have it, give them a sticker. He also said there have been many times when his boats have been boarded for a safety check, but he knows it is really for

drugs. If that's what they are looking for, he would prefer they just say it up front. Some vessels have been boarded 11 times.

CDR Prescott pointed out that there are no boardings conducted at sea that are solely safety inspections. It is primarily for fisheries or law enforcement, but they will conduct a safety check while unboarded.

Jim Herbert said at some chandleries in Alaska, the cost of flares is based on the expiration date.

Bob Spaeth said manufacturers should not be allowed to sell flare after a certain date – a "sell by" date should be used.

Ginny Goblirsch asks him about drills.

Bob Spaeth said he believes drills can be done in many ways and he would like to see the Coast Guard come out with a video tape to certify Captains, who can then conduct the drills.

Ginny Goblirsch said there are videos out there and asked what he thought about once a year drills if you kept the same crew.

Bob Spaeth said he feels once a year would be fine, but then you would get into licensing.

Ginny Goblirsch asked what if you did it every four months with the same crew?

Bob Spaeth said their crews go from boat to boat like fleas. The way he tries to do it is when they leave, it's a long ride out, so the Captain can give them a safety overview and familiarization of the boat.

CDR Prescott said the familiarization and videos are good, but he thinks it's important that you actually go through the procedure of making it seem somewhat realistic. There is a big difference between getting it done in an emergency and watching it on a video.

Bob Spaeth said it is the Captain's responsibility to renew their knowledge of drills and train the crew. Now someone shows up on the dock, and you pay them \$50. Are we accomplishing what we need to?

Kathy Ruhle asked if he was saying his Captain does not take the drill conductor course, because anyone can take the course and conduct the drills, not just the Captain.

Bob Spaeth said his point was they don't pay much attention. After all, it's a boat you're talking about, not a ship. They don't have anything as elaborate as drill stations.

CDR Prescott said it doesn't have to be elaborate. They discovered during the investigations of the clammer sinkings that some training might have made a difference. For instance, an EPIRB tied down in the galley or crew area, and a liferaft that didn't submerge enough to inflate, but could have been manually inflated if someone knew enough to pull the painter.

Bob Spaeth added that the regulations requiring garbage plans and deviation tables are also ridiculous. You can just fill in numbers on the deviation chart if that's what you want, because no one actually uses them.

The next member of the audience to offer comments was Sal Versaggi, owner of Versaggi Seafood. He agreed with Mr. Spaeth. He said when they first put an EPIRB on the boat, he put it in the wheelhouse and told his guys to grab it if the boat went down. Now he is required to keep it outside where it is exposed to the elements. It also gets nets and debris thrown on it and if it floats free in a sinking, what good would it do if it floats miles away from the scene of the accident. An article he read that morning concerning a law suit

against the railroad by a former employee who tested positive for drugs, makes him feel as if mandatory drug testing would put him between a rock and a hard place. He also added the requirement for a bell was useless.

CDR Prescott said that all licensed operators of small passenger vessels must be drug tested and it does not seem to be a burden.

Larry Simns said drug testing is burdensome and he sees it doing no good.

Member of the public, Steve Hughes, a fishing vessel owner/operator from Seattle said he has been in the Alaska North Pacific fishing industry for 30 years and he has a different view from what he has heard. From a vessel safety stand point, he can see a need for regionalization. He can't imagine regulations based on Florida fishing applying up there. He has been involved in trawl fisheries onboard vessels 85-185 feet. The fleet he represents believes heavily in safety training. In his waters you have to know exactly what you are doing in an emergency situation. If someone finds it a pain, then they don't have a job. If something happens, the attorneys don't want to talk to the Skipper, it's the owner they come after, and they want to know about training. You also can't afford not to have drug testing. We test our people before and after the job to prove there were no drugs on the boat.

Sal Versaggi said that was fine, but it shouldn't be mandatory.

Pete Aparicio wanted to know what happens if someone tests positive.

Steve Hughes said their crew contract clearly states no drugs or alcohol and you have reason for not rehiring them.

Pete Aparicio wanted to know if a crew contract was required.

Leslie Hughes stated that crew contracts are required by law and she would send Pete information.

Ginny Goblirsch said drill logs are not required and the drill conductor can be anyone, as long as they are certified.

Dave Green said the regionalization issue could be handled by District Commanders in the form of waivers and tailoring regulations to their area.

Pete Aparicio said common sense should prevail when applying regulations.

Dave Green said regulations are based on law, but agreed it would be nice to apply common sense.

Rob Buckles said he agrees, but it's not in their control to stray from the regulations during an exam.

Frank Myers, Marine Career Institute, gave a presentation on their drill conductor program. He said they have had only 35 students in the past 5 years. He believes the reason for the lack of participation in the training is that there is really "no teeth in the law" requiring training and drills. They have a nine hour course and videos. Maybe a private group who could pass out videos, then test the individual on their safety knowledge could do something.

Member of the public, Jim Ruhle said he was confused by what he had heard. He was told drills were mandatory and must be logged. He sent both his sons to the drill conductor course. He sees a problem in using videos that are not filmed in the area where a vessel is operating. Most people don't want to be told they have to do drills. Another concern he raised, was with the staggered expiration dates of his equipment. The flares expire one month, liferaft another, fire extinguisher another and so on and so forth. He would like to see

a little more flexibility in replacing this equipment, so that he could get everything on the same “expiration schedule”.

Jimmie Martin mentioned that you can weigh your own fire extinguishers.

Rob Buckles told Mr. Ruhle he must conduct monthly drills, but it does not say it must be logged. When he does an exam, he will question a crewmember to determine whether or not drills have taken place.

Member of the public, Herb Goblirsch offered his view on training. He is from Oregon and has fished for 27 years on a 50ft troller. About two years before it was mandatory, his wife was asked to put together a safety training program for the crews. She put together a 5 day course and invited him to attend. Reluctantly he attended and he said he learned something new every day. By nature fishermen are independent, but he feels they understand the need for preventative maintenance. It is now a 3 day class for safety training and he does not see how it could be any less. He also would not like to see incidents on the East Coast affect the entire fishing population, namely in the form of licensing. The Coast Guard already has regulations, they just need to enforce them. He also believes liferafts should be repacked once every 2 years.

Bob Spaeth offered a heads up on a vessel monitoring system transponders being pushed by NMFS. If they could incorporate the EPIRB with this device, it might be more palpable to fishermen.

Sean Martin said they have them on their vessels as part of a pilot program and they do have the capability to include an EPIRB.

Questions and comments were concluded and the committee visited a fishing boat at the shrimp dock.

DAY 2

CDR Prescott passed out one of the sections of the Task Force report so the committee would have an idea of how it would be presented. He included it with recommendations from previous reports, so he would not be disclosing any of the Task Force recommendations. He also distributed a handout, which compared fishing vessel regulations to those of other vessel types.

LT Brian Penoyer gave a presentation explaining the IMO guidelines for the investigation of human factors in marine casualties and incidents drawn from Dr. James Reason. These guidelines were used to collect Task Force recommendations.

CAPT Basel remarked that the Task Force was utilized to prevent a “knee jerk” reaction and gather input from the industry pertaining to fishing vessel safety.

Dave Green asked how PTP interfaces with the process used for the Task Force report.

LT Penoyer said through this process, you could focus on the human elements and meld it with the other contributors.

LCDR Randy Clark provided the committee with an overview of how the Coast Guard is organized with regards to the fishing vessel safety program.

LT Brian Penoyer followed with an overview of the Office of Investigations and Analysis. He indicated the casualty report input data would be complete in a couple of weeks.

LT Joe Paitl, National Program Manager for Fishing Vessel Safety, gave everyone an update on the program. He also told them about the purchase of 18 EPIRB test kits, which have been distributed throughout the

nation. The test can confirm that information is being transmitted to a satellite, unlike the test on the EPIRB itself, which can be inconclusive.

Bob Markle gave a brief presentation on the Lifesaving and Fire Safety Division.

Jim Herbert asked if he had seen much more influence from the IMO standards and what is coming down the pike internationally in the way of fishing vessel safety.

Mr. Markle said more and more they recognize this as a worldwide interest and there is very much an international influence. They hear from inventors all the time and there are many products out there that although they have not yet received approval, may be effective devices.

Sean Martin asked if there was anything in the works addressing the possibility of changing liferaft requirements to biannual servicing.

Mr. Markle said the new liferaft regulations incorporated IMO provisions that allow for extended servicing if they can demonstrate reliability. The down side, is the rafts will be more expensive. It's difficult to say what the correct period of time would be if it's exposed to heat, cold and the elements.

Greg Switlik said even if they could prove to the Coast Guard their raft only required servicing every other year, there would have to be a field test, which would require a control group of liferafts. To do that he would have to double his production and you would not be able to afford the cost of his raft. He also noted that a large part of the repacking cost is replacing the safety equipment packed with it.

Pete Aparicio asked if any rafts have been left out for three or four years and tested.

Mr. Switlik said they just got some from the Coast Guard that had been around five years and they weren't in very good shape.

CAPT Basel invited the committee to take a look at the Tampa Bay vessel traffic system. It is totally different from the system used in Valdez, Seattle, Los Angeles and some of the other pilotage areas. The pilot carries aboard an 18 pounds unit like a suitcase. There are screens in the CG Operations Center and at the Port Authority where vessels can be monitored in real time. The channel is about 500 feet wide and if you go outside that area, you would find yourself in about 10 feet of water. They can go back for a year and recreate incidents using this system.

BMC Harper demonstrated the EPIRB test kit.

LCDR Clark asked the committee how they felt about the task statements and how they would like to proceed. Was it a good method of gathering input and is there value in continuing?

Dave Green said the Coast Guard's fishing vessel safety program is the voluntary inspection program. Basically it lays out the same thing as the task statements. Why should we tell you what data to collect if we don't know what you are going to do with it? He feels the committee should be reactive rather than creative.

CDR Prescott said that for instance, in identifying vessel types, we can come up with a list and tell you what it's going to be or we can ask for your input.

Sean Martin said he believes subcommittees spread the group too thin, and decreases the focus.

Larry Simms agreed and said that most of the time the entire committee is needed to address issues.

Don Hall said that the equipment subcommittee was pretty easy for him to work on since that is his line of work.

Jim Herbert pointed out having the whole committee discuss the life raft and flare issues brought things to light that perhaps a smaller group may not have produced.

Kathy Ruhle said she feels the committee is there to help the Coast Guard. She also felt that even though the committee was divided into subcommittees, that they were all involved since they were invited to comment on all the task statements.

Ginny Goblirsch said it was unclear what the CG wanted from the communications subcommittee and it was difficult for three or four people to give specific recommendations, such as the names of groups and organizations across the country. Coming up with a list of contacts to disperse information is a little unrealistic.

Leslie Hughes mentioned that communications falls under regionalization too.

Jane Eisemann said if she recalled correctly, the committee had come up with the task statements, not the Coast Guard. These were things they had suggested needed to be looked at by the committee and she does not think they should abandon the task statements all together.

CDR Prescott said the Fishing Vessel Safety Act stated the committee would be formed to advise, but the placards are proof that they have also produced some good products.

Jane Eisemann said she believes there will be a number of parallels between the Task Force report and many of the issues addressed by the advisory committee.

CDR Prescott said there is frustration in getting feedback from the subcommittees and suggested a monthly phone conference with Headquarters administrative support might be an option.

Leslie Hughes said the casualty data subcommittee could be more effective if they received casualty data as the Coast Guard collects it.

CDR Prescott said we hand out casualty data at every meeting.

Leslie Hughes said it would be much more beneficial to receive it along the way, rather than wait until the meeting.

LCDR Clark said that in some cases we don't have the data either. The other problem is that we end up with a laundry list of things to do. Right now advancing the regulation process is a priority. The more time spent on sending out data, the more other things fall behind. At the moment he is in the process of reviewing the IMO, ILO, FAO documents to see if they could replace NVIC 5-86. One thing to keep in mind is that many of the offices at Headquarters that he mentioned in his presentation are one person shops. The data LT Paitl is generating in his data dump may take 4 months to compile. LCDR Clark questions the value in something like that when we meet every 6 months?

Jim Herbert said there have been varying degrees of communication from Headquarters to the committee over the years and when they have received something, it shows the lines of communication are open. He finds it highly unproductive to show up at a meeting and pick up a package from the hotel front desk. He said it does not have to be a polished piece of material, just a quick update now and then.

David Green thinks there's been a misunderstanding on the data issue. The committee is not looking for a compilation. They're saying "hey, what does the data say that maybe we could make some contribution to by saying here's maybe something the Coast Guard could look at." In 1994, before he was on the committee, subcommittees were used. One looked at regulations, not towards creating new ones, but taking the rough spots out. One looked at stability regulations, including extending them. Another looked at NAVIC 5-86. In 1995 the subcommittees gave their presentations and they voted to adopt the regulations presented, and do away with 5-86, but it never went away. The subcommittees would work better if there would be somebody from the committee and someone from industry as a whole to assist them. That's the way technical groups around the country work. They have somebody go out and enlist industry help. We're not looking for a compilation of data, just what is happening.

LCDR Clark said he thought that's what they were doing with task statements, because they did come from the committee.

Dave Green said people are spread out all over, therefore you can't get a smooth function. He would not say, never do subcommittees, just be more selective. How is it going to be presented? Previously they came back and dedicated at least a full day acting on them and then they modified those results a little bit based on full committee input. It should be more focused.

Pete Aparicio said you miss out on input from people in different regions.

LCDR Clark asked what should be done with subcommittees before we make a final decision.

Sean Martin thinks regionalization is too big an issue for a subcommittee.

Larry Simns said some topics need the entire committee.

Pete Aparicio noted that regionalization is more of a burden on the Coast Guard than standardization.

LCDR Clark said there are issues that could be looked at that impact every region, such as bilge pumps.

Kathy Ruhle said she keeps going back to where they were asked to send in information to the chairman of each subcommittee. She thought if anyone had a thought on any of those issues, they were supposed to pass it on to the subcommittee chairman.

LCDR Clark said they only received 2 comments and one was hers.

Dave Green said maybe it's the way the subcommittees started. He looks now and says if they had been with Brian [Penoyer] the day they started the data casualty analysis they would have a better perspective. He asked again, is the committee advisory, or are they trying to create something? In his opinion, Joe Paitl should have been a part of the regionalization subcommittee, because on the books, District Commanders already have the authority to make waivers. Even the COMDTINST says to follow regionally by District. There's got to be someone in the Coast Guard that could have met with the communications subcommittee. Someone from the Coast Guard should be involved with each subcommittee.

LCDR Clark said if subcommittees are the way they decide to proceed, maybe they could get some facilitators to help out or he and CDR Prescott could get the training on how to facilitate.

Greg Switlik said he believes if the committee does not break into smaller groups, they will go around and around on issues, and nothing will be accomplished.

Kathy Ruhle agrees with him and said without subcommittees, nothing will get done.

Maybe they could conduct one subcommittee at a time. She said she has been on the committee since 1995 and the placards are the only thing accomplished.

Jim Herbert said he has seen some of the Task Force recommendations and believes the Task Force Report may tie a lot of their issues together.

CAPT Basel said that when he gets to Headquarters he will pass information to the committee. He likes the use of subcommittees. That way you can focus on an issue, and then report back to the committee. He urged them to take good ideas from others and share.

Don Hall said maybe the Task Force report will take them in the direction they need to go.

Larry Simns said he thinks the committee has done a great deal. As new things have come out, they have kept the people informed. He said he supported the investigation technique presented by LT Brian Penoyer.

Jim Herbert suggested they table further action on the task statements until after the Task Force report review. That may give them something specific to work on.

Linda Bonet moved to table further task statement discussion until after the Task Force meeting.

Pete Aparicio seconds the motion and the motion is carried.

Angelo Sanfilippo gave a presentation on her fishing region off the coast of Gloucester Massachusetts. She raised the issue of fish quotas and the danger they pose to fishermen when NMFS shows no flexibility. NMFS closures of inshore areas force small vessels further offshore. She cited a case of a fisherman from her area who remained at sea during a storm rather than be fined or forced to surrender his catch upon arrival at the docks. NMFS refused to allow him to bring in his catch without penalty for being over his quota, which forced him to chose between seeking refuge from the storm, or keeping his fish.

The meeting concluded at 1630.

JAMES HERBERT
Chairman

CDR M. A. PRESCOTT
Executive Director



Jensen Maritime Consultants Inc **NAVAL ARCHITECTS
MARINE ENGINEERS**

October 27, 1998

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Subj: Minutes Summary of CFIVAC Meeting August 31 - September 1, 1998

Dear Mark

This is a follow-up to my phone conversation with Randy Clark on 10/15/98.

Having reviewed the subject published minutes I am very disturbed. I do recognize that it is a challenging task to sift through notes and voice recordings to produce a summary record that reflects the appropriate prospective of the transactions. Also, having read minutes of prior CFIVAC meetings, I fully support the summary format offered for this meeting but strongly urge a change in procedure to achieve better results.

The specific issues with the present minutes that I wish to raise are:

- 1) Apparently I am not a member of the committee as the minutes do not indicate I was sworn in?
- 2) When the minutes of the last meeting were offered I specifically raised the point that those minutes recorded that I recommended adoption of classification society rules for the fishing industry. I asked for clarification that my recommendation was: If the Coast Guard insists additional regulations be applied to the fishing industry, utilize existing rules from classification societies instead of inventing new rules. There is no record at all in these minutes that approval of prior minutes was addressed or that modification was requested.
- 3) There is an entry that I suggested examination of ways to make the committee productive. This is a major understatement of the issue raised: Is the committee an

advisory committee relative to Coast Guard activity or is it being eased into a “work product” (free labor) activity? This question was raised based upon review of the proposed task statements generated by the Coast Guard. After raising this issue there was 30-40 minutes of discussion and the Coast Guard position seemed to be the committee is advisory to Coast Guard activity. In that discussion and in direct reply to my question of “What is the present Coast Guard safety program for the fishing industry?”, the voluntary boarding (inspection) program was identified as the present safety program.

The Coast Guard statements relative to both the purpose of the committee and the scope of the safety program are keynote issues. The point is these questions were both raised and answered at a time several new members were sworn in and entirely new leadership of the committee stepped up. They are answers that can change but they are a matter of (now) only oral record, which is not proper.

4) My report of subcommittee action does not reflect points offered.

- * Redirect the purpose of the task statement to emphasize analysis rather than data collection. By adding region and fishery inputs data could be improved, but the major problem is incomplete reports and no analysis.
- * The present district level analysis that doesn't seem to depend upon Coast Guard casualty report data is impressive and should be given strong support until such time something better is available.
- * Recognize MSIS may be awkward but there has been no real attempt to analyze data except for bottom line . total lives and vessels . which has limited meaning.
- * Malfunctions of safety equipment should be specifically reported.
- * Regional analysis has great potential as information can be fed back into boarding programs; it should be backed up by central review for common trends.

This is the way I remember it from the talking notes that I made at the time.

5) Relative to Mr. Terrel's presentation, the summary seems to miss a very important point. The proposal was that CFIVAC become an action group

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responsive to NTSB for purposes of broad dissemination of NTSB information to the industry.

I am certain that in addition to points listed in the minutes, such efforts are not in the statutory charter of the committee; there is zero budget for any committee activity except meetings; the committee is not structured for such activity; etc.; were also raised.

My motion was to bring a conclusion to the discussion by having the committee, in effect, recommend (advise) the Coast Guard that we do not want or believe it is appropriate to be charged with agency administrative action, thus we recommend NTSB reports go to the Coast Guard. The Coast Guard can seek recommendations or distribute as it sees fit.

All five of the above points are distinct from the summary minutes. As I understand it, these summary minutes are available on the internet and other media, right or wrong but signed off by yourself and the chairman.

Another item is that the committee chairman is recorded to have asked for progress on stability regulations. I note that even in the latest Marine Safety Newsletter there is no listing of fish vessel stability under regulatory projects.

I propose that future minutes specifically record approval or amendment of prior meeting minutes. Further to reduce the probability of complaints such as those above, I recommend draft summary minutes should be offered to members for review and response within 14 calendar days. Any apparent discrepancies from review comment could probably be resolved by telephone. If there seemed to be a major conflict from review obviously an issue was not resolved and could be reported as an open topic for next meeting.

I strongly support summary minutes as opposed to verbatim and believe the above would be a rational and practical procedure to achieve that end.

Best regards,

David L. Green, P.E.
CFIVAC Member

cc: James Herbert

*Please note this letter's original format was altered in the scanning process. If you would like a copy of the original, please call (202) 267-6248.

ENCLOSURE (1)

